

# ● PRINTER RUSH ●

(PTO ASSISTANCE)

Application :	09/940,447	Examiner :	Yao	GAU :	2667
From :	J. Robbins	Location :	(IDC) FMF FDC	Date :	12-20-05

Tracking #: Epm 09940447 Week Date: 11-14-05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input type="checkbox"/> Other
<input checked="" type="checkbox"/> OATH	8-29-01	
<input type="checkbox"/> 312		
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: The declaration does not provide a city of residence for 2nd Inventor Ken'ichi Sakamoto, only state (California) is given.

Thank You  
*[Signature]*

[XRUSH] RESPONSE: See misc comm

Done - updated

INITIALS: *[Signature]*

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.  
REV 10/04

02/03/2006 15:52

=== COVER PAGE ===

TO: \_\_\_\_\_

FROM: REED SMITH LLP

FAX: 7032041352

TEL: 7036414547

COMMENT: CONFIDENTIAL

# ReedSmith<sub>LLP</sub>

**TO** Ms. Rori Burch  
**Company** U.S. Patent and Trademark Office  
**Fax** (571) 273-9009  
**Phone** (703) 305-0333 ext. 135 (V)

**FROM** Juan Carlos A. Marquez  
**Phone** 703.641.4206  
**Fax** 703.641.4340  
**Date** February 3, 2006

## Total Number of Pages Including Cover Page

Original will follow via: ☐ Regular Mail ☐ Overnight Delivery ☐ Messenger ☐ None

COPIES TO:Name	Company	Fax	Phone

**NOTES:** Dear Ms. Burch: Per our telephone call today 2/3/06, attached please find the substitute declaration in U.S. patent application 09/940,447. Should you have any questions or comments, please feel free to contact me. Thank you very much.

If you do not receive all of the pages, please call at 703.641.

Please Transmit Before: ☐ 9 ☐ 10 ☐ 11 a.m. ☐ 12 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 p.m.

Client Number: 999906	Matter Number: 0005	Attorney Number:
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Operator:		

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Reed Smith LLP  
 3110 Fairview Park Drive  
 Suite 1400  
 Falls Church, VA 22042  
 703.641.4200  
 Fax 703.641.4340

Delaware  
 New Jersey  
 New York  
 Pennsylvania  
 Virginia  
 Washington, DC

reedsmith.com

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of

WAKAYAMA et al.

Application Number: 09/940,447

Filed: August 29, 2001

For: PACKET SWITCHING APPARATUS

Attorney Docket No. NITT.0036

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)  
)  
) Art Unit 2667  
)  
) Examiner  
) Emdadi, Kamran  
)  
)  
)Honorable Assistant Commissioner  
for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**LETTER**

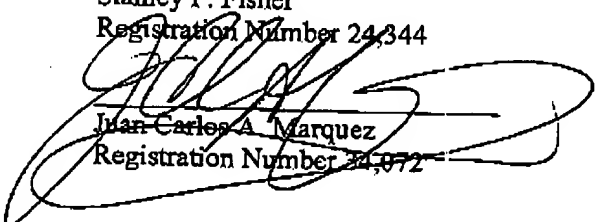
Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

- (X) Response to Notice to File Corrected Application Papers  
(X) Substitute Declaration

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to Deposit Account Number 08-1480. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher  
Registration Number 24,344  
Juan Carlos A. Marquez  
Registration Number 34,072REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200  
February 3, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of  
WAKAYAMA et al.  
Application Number: 09/940,447  
Filed: August 29, 2001  
For: PACKET SWITCHING APPARATUS  
Attorney Docket No. NITT.0036

)  
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) Art Unit 2667  
)  
) Examiner  
) Emdadi, Kamran  
)  
)  
)

Honorable Assistant Commissioner  
for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**LETTER**

Sir:

The below-identified communications are submitted in the above-captioned application or proceeding:

- (X) Response to Notice to File Corrected Application Papers  
(X) Substitute Declaration

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to Deposit Account Number 08-1480. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher  
Registration Number 24,344

Juan Carlos A. Marquez  
Registration Number 24,072

REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200  
February 3, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. Patent Application of )

WAKAYAMA et al. )

Application Number: 09/940,447 )

Art Unit 2667 )

Filed: August 29, 2001 )

Examiner )

Emdadi, Kamran )

For: PACKET SWITCHING APPARATUS )

Attorney Docket No. NITT.0036 )

Honorable Assistant Commissioner  
for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

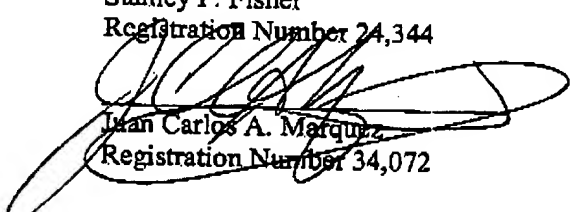
Upon a review of the Notice to File Corrected Application Papers mailed on January 9, 2006, requiring correction of the second inventor's residence address, a substitute declaration is hereby attached.

The Notice was dated January 9, 2006, the period for response to which is set to expire on February 9, 2006. No fee is required.

Please direct any inquiries in connection with this application to the undersigned.

Respectfully submitted,

Stanley P. Fisher  
Registration Number 24,344

  
Juan Carlos A. Marquez  
Registration Number 34,072

REED SMITH LLP  
3110 Fairview Park Drive  
Suite 1400  
Falls Church, Virginia 22042  
(703) 641-4200  
February 3, 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Serial Number  
09940447

Date Mailed  
1/09/06

**NOTICE TO FILE CORRECTED APPLICATION PAPERS*****Notice of Allowance Mailed***

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- ♦ 2<sup>nd</sup> inventor's residence (city) is missing from the oath/declaration/ADS. Fax missing information to number below or e-mail.
- o For status updates visit <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

**APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.**

A copy of this notice MUST be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450  
Alexandria, VA 22313-1450

A handwritten signature in black ink, appearing to read "Rori Burch", written over a horizontal line.

Rori Burch  
USPTO  
Publishing Division  
Rori.burch@uspto.gov  
Fax (571) 273-9009  
Fax (703) 308-6642  
703-305-0333 ext.135 (V)

PTO/SB/106(5-00)

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## Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宣言する：

As a below named inventor, I hereby declare that:

私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通りである。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明について、特許請求範囲に記載され、且つ特許が求められている発明主題に関して、私は、最初、最先且つ唯一の発明者である(唯一の氏名が記載されている場合)か、或いは最初、最先且つ共同発明者である(複数の氏名が記載されている場合)と信じている。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PACKET SWITCHING APPARATUS

上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない：

The specification of which is attached hereto unless the following box is checked:

☐ \_\_\_\_\_ に日に出願され、  
この出願の米国出願番号またはPCT国際出願番号は、  
\_\_\_\_\_ であり、且つ  
\_\_\_\_\_ の日に補正された出願(該当する場合)

☒ was filed on 29/August/2001  
as United States Application Number or  
PCT International Application Number  
09/940447 and was amended on  
\_\_\_\_\_ (if applicable).

私は、上記の補正書によって補正された、特許請求範囲を含む上記明細書を検討し、且つ内容を理解していることをここに表明する。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編規則1.56に定義されている、特許性について必要な情報を開示する義務があることを認める。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the need of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Washington, DC

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私は、ここに、以下に記載した外国での特許出願または発明者証の出願、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出願について、同第119条(a)-(d)項又は第365条(b)項に基づいて優先権を主張するとともに、優先権を主張する本出願の出願日より前の出願日を有する外国での特許出願または発明者証の出願、或いはPCT国際出願については、いかなる出願も、下記の枠内をチェックすることにより示した。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

Prior Foreign Application(s)  
 外国での先行出願

Priority Not Claimed  
 優先権主張なし

2001-141299

Japan

11/May/2001

(Number)  
(番号)

(Country)  
(国名)

(Day/Month/Year Filed)  
(出願日/月/年)

☐

(Number)  
(番号)

(Country)  
(国名)

(Day/Month/Year Filed)  
(出願日/月/年)

☐

私は、ここに、下記のいかなる米国仮特許出願についても、その米国法典第35編第119条(a)項の利益を主張する。

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関わる重要な情報について開示義務があることを承認する。

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Status: Patented, Pending, Abandoned)  
(現況: 特許許可、係属中、放棄)

(Application No.)  
(出願番号)

(Filing Date)  
(出願日)

(Status: Patented, Pending, Abandoned)  
(現況: 特許許可、係属中、放棄)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、且つ情報と信ずることに基づく陳述が、真実であると信じられることを宣言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典第18編第1001条に基づき、罰金または拘禁、若しくはその両方により処罰され、またそのような故意による虚偽の陳述は、本出願またはそれに対して発行されるいかなる特許も、その有効性に問題が生ずることを理解した上で陳述が行われたことを、ここに宣言する。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Japanese Language Declaration  
(日本語宣言書)

委任状：私は本出願を審査する手続を行い、且つ米国特許商標庁との全ての業務を遂行するために、記名された発明者として、下記の弁護士及び／または弁護士を任命する。(氏名及び登録番号を記載すること)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Stanley P. Fisher, Reg. No. 24,344,  
and Juan Carlos Marquez, Reg. No. 34,072.

書類送付先

Send Correspondence to:

Stanley P. Fisher  
Reed Smith LLP  
3110 Fairview Park Drive, Suite 1400  
Falls Church, Virginia 22042-4503

直通電話連絡先：(氏名及び電話番号)

Direct Telephone Calls to: (name and telephone number)

Telephone: (703) 641-4211  
Fax: (703) 641-4340

唯一または第一発明者氏名		Full name of sole or first inventor	
発明者の署名		Koji WAKAYAMA	
日付	Inventor's signature	Date	
	<i>Koji Wakayama</i>	1/20/2006	
住所	Residence		
	Cannes, France		
国籍	Citizenship		
	Japan		
郵便の宛先	Post office Address		
	c/o Hitachi, Ltd., Intellectual Property Group, 12th Floor, Marunouchi Center Building, 6-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan		

(第二以下の共同発明者についても同様に記載し、署名をすること)

(Supply similar information and signature for third and subsequent joint inventors.)



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450  
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Bib Data Sheet

CONFIRMATION NO. 5067

<b>SERIAL NUMBER</b> 09/940,447	<b>FILING OR 371(c) DATE</b> 08/29/2001 <b>RULE</b>	<b>CLASS</b> 370	<b>GROUP ART UNIT</b> 2667	<b>ATTORNEY DOCKET NO.</b> NITT.0036
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## APPLICANTS

Koji Wakayama, CANNES, FRANCE;  
Ken'ichi Sakamoto, KOKUBUNJI, JAPAN;  
Hiroaki Miyata, Yokohama, JAPAN;  
Shiro Tanabe, Hidaka, JAPAN;

\*\* CONTINUING DATA \*\*\*\*\*

\*\* FOREIGN APPLICATIONS \*\*\*\*\*

JAPAN 2001-141299 05/11/2001

IF REQUIRED, FOREIGN FILING LICENSE GRANTED \*\*

09/28/2001

Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged	<u>Examiner's Signature</u> <u>Initials</u>	<b>STATE OR COUNTRY</b> FRANCE	<b>SHEETS DRAWING</b> 11	<b>TOTAL CLAIMS</b> 8	<b>INDEPENDENT CLAIMS</b> 2
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## ADDRESS

38327

## TITLE

PACKET SWITCHING APPARATUS

<b>FILING FEE RECEIVED</b> 1010	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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PTO/SB/06/5-00)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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第二共同発明者がある場合、その氏名		Full name of second joint inventor, if any	
Ken'ichi SAKAMOTO			
第二共同発明者の署名	日付	Second inventor's signature	Date
		<i>Ken'ichi Sakamoto</i>	1/24/2006
住所		Residence	
		Kokubunji, Japan	
国籍		Citizenship	
		Japan	
郵便の宛先		Post office Address	
		c/o Hitachi, Ltd., Intellectual Property Group, 12th Floor, Marunouchi Center Building, 6-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第三共同発明者がある場合、その氏名		Full name of third joint inventor, if any	
Hiroaki MIYATA			
第三共同発明者の署名	日付	Third inventor's signature	Date
		<i>Hiroaki Miyata</i>	1/27/2006
住所		Residence	
		Yokohama, Japan	
国籍		Citizenship	
		Japan	
郵便の宛先		Post office Address	
		c/o Hitachi Communication Technologies, Ltd. 12th Floor, Marunouchi Center Building, 6-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第四共同発明者がある場合、その氏名		Full name of fourth joint inventor, if any	
Shiro TANABE			
第四共同発明者の署名	日付	Fourth inventor's signature	Date
		<i>Shiro Tanabe</i>	1/23/2006
住所		Residence	
		Hidaka, Japan	
国籍		Citizenship	
		Japan	
郵便の宛先		Post office Address	
		c/o Hitachi, Ltd., Intellectual Property Group, 12th Floor, Marunouchi Center Building, 6-1, Marunouchi 1-chome, Chiyoda-ku, Tokyo 100-8220, Japan	
第五共同発明者がある場合、その氏名		Full name of fifth joint inventor, if any	
第五共同発明者の署名	日付	Fifth inventor's signature	Date
住所		Residence	
国籍		Citizenship	
郵便の宛先		Post office Address	